

PROVIDING FOR CONSIDERATION OF H.R. 4546, BOB STUMP  
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 2003

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MAY 8, 2002.—Referred to the House Calendar and ordered to be printed

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Mrs. MYRICK, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 415]

The Committee on Rules having had under consideration House Resolution 415, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, under a structured rule. The rule waives all points of order against consideration of the bill.

The rule provides one hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill.

The rule also provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the committee amendment in the nature of a substitute.

The rule provides that no amendment shall be in order except those printed in this report and amendments en bloc described in section 3 of the resolution. Further, except as specified in section 4 of the resolution, each amendment printed in this report shall be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule provides that unless otherwise specified in this report, each amendment shall be debatable for 10 minutes equally divided

and controlled by the proponent and an opponent and shall not be subject to amendment, except as specified in this report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment. Further, the rule waives all points of order against amendments printed in this report or amendments en bloc described in section 3 of the resolution.

The rule provides that it shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc, consisting of amendments printed in part B of this report, not earlier disposed of, or germane modifications of any such amendment.

The rule provides that amendments en bloc offered pursuant to section 3 shall be considered as read (except that modifications shall be reported), shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The rule provides that for the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The rule provides that the original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The rule provides that the Chairman of the Committee of the Whole may recognize for consideration of any amendment in this report out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Finally, the rule provides one motion to recommit with or without instructions.

The waiver of all points of order includes a waiver of section 303 of the Congressional Budget Act (prohibiting consideration of legislation providing new budget authority until a concurrent resolution on the budget is adopted) and section 302 of the Congressional Budget Act (prohibiting consideration of legislation providing new budget authority in excess of the allocation of the pertinent committee). The waiver of all points of order also includes a waiver of clause 7 rule XVI (prohibiting nongermane amendments).

#### COMMITTEE VOTES

Pursuant to clause 3(b) of House Rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

#### *Rules Committee record vote No. 77*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Mr. Allen, which prohibits the development and deployment of nu-

clear-tipped ballistic missile interceptors, defined as a system that uses a nuclear detonation to destroy an incoming missile or reentry vehicle.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 78*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Mr. Edwards, which restores \$30 million to a nonproliferation program designed to provide an alternative to Russian reactors that generate weapons-grade nuclear materials, offsetting this increase with a decrease in BMD funds.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 79*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Mr. Frost, which allows for the Immigration and Naturalization Service to conduct citizenship interviews and oath ceremonies for military personnel at U.S. embassies, consulates, and overseas military installations; provides financial relief for the immigration fees for permanent resident soldiers at those locations. Changes the required amount of military service for qualification to apply for citizenship from three years to two years to enhance recruiting, retention, morale, and readiness. Exempts non-citizen military personnel from paying all fees relating to naturalization. Grants automatic citizenship to permanent resident troops who qualify for a security clearance.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 80*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Ms. Hooley, which amends the list of authorized types of seafood for purchase in the Combat Feeding Program to include Pacific pink shrimp.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 81*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Mr. Shows, which strikes the proposed report by the Comptroller General on the current state of health care delivery under TRICARE included in the bill and replaces it by offering military retirees the opportunity to participate in the same health care program as federal and government employees.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 82*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mr. Frost.

Summary of motion: To remove from the committee report the amendment to be offered by Mr. Weldon, which states that it is the policy of the U.S. to pursue greater cooperation, transparency, and confidence with the Russian Federation regarding a variety of nuclear weapons-related matters through engagement. The amendment specifies the conditions under which the current ban on designing and developing low-yield nuclear weapons is automatically repealed.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 83*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Mr. Taylor of Mississippi, which repeals the authority for an additional round of Department of Defense Base Realignment and Closures in 2005 that was granted in the FY2002 Defense Authorization Act.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 84*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion: by: Mrs. Slaughter.

Summary of motion: To make in order the amendment offered by Mr. Rahall, which strikes sections 311 and 312, which provide the DoD exemptions from the Migratory Bird Treaty Act and the Endangered Species Act.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 85*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion: by: Mrs. Slaughter.

Summary of motion: To make in order the amendment offered by Mr. Hinchey, Mr. Pallone and Ms. Sanchez, which strikes Title XIV concerning the management of public lands administered by the Department of Interior and Agriculture underlying the airspace of the Utah Test and Training Range.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 86*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order the amendment offered by Mr. Langevin and Mr. Hostettler, which prohibits the military from requiring or strongly encouraging military servicewomen to wear the abaya, which is a black garment that covers the entire body, because the government of Saudi Arabia does not require non-Muslim women to wear them.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 87*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mr. McGovern.

Summary of motion: To make in order the amendment offered by Mr. Taylor of Mississippi, which strikes subsection (c) and (d) of section 1206 of the bill. Subsection (c) provides the Secretary of Defense authority to waive the troop limitation in the interest of “national security” and subsection (d) requires the Secretary of Defense to notify the congressional defense committees within 15 days of exercising the waiver of authority provided for in subsection (c).

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 88*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order the amendment offered by Mr. Spratt, which restores \$10 million requested by the National

Nuclear Security Administration for fissile materials disposition in Russia that was cut in the bill.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 89*

Date: May 8, 2002.

Measure: H.R. 4546.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order the amendment offered by Mr. Spratt, which requires that the President give Congress 12 months notice prior to the United States resuming underground nuclear tests.

Results: Defeated 4 to 7.

Vote by Members: Goss—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

#### PART A—SUMMARY OF AMENDMENTS MADE IN ORDER

Weldon (PA)—States that it is the policy of the U.S. to pursue greater cooperation, transparency, and confidence with the Russian Federation regarding a variety of nuclear weapons-related matters through engagement. The amendment specifies the conditions under which the current ban on designing and developing low-yield nuclear weapons is automatically repealed. (20 minutes)

Tauscher—Requires the Secretary of Energy to report to Congress on options for reaching the level of operationally deployed nuclear warheads at 1,700 to 2,200 outlined in the Nuclear Posture Review, in 2006, 2008, and 2010. (10 minutes)

Markey—Permanently prohibits the use of funds to develop, test or engineer a nuclear earth penetrator weapon and prohibits FY 2003 funds for a feasibility study of a nuclear earth penetrator weapon. (20 minutes)

Tierney—Provides that no funds for FY 2003 for the Department of Defense may be used for space-based national missile defense programs. (20 minutes)

Spratt—Adds funding for two programs needed to meet here-and-now threats and \$65 million for PAC-3 and \$70 million for the Israeli Arrow system to be offset by cutting three BMD programs. (20 minutes)

Hunter—(Substitute Amendment for the Spratt Amendment. Transfers funds within the Missile Defense Agency to increase funds for PAC-3 missile procurement and the Arrow program. (10 minutes)

Sanchez—Restores equal access to health services at overseas military hospitals to servicemen and women and their dependents stationed overseas, by limiting the restriction of the use of DoD medical facilities to perform abortions to facilities in the U.S. (20 minutes)

Goode—Authorizes the Secretary of Defense to assign members of the Armed Forces to assist the INS or the U.S. Customs Service at the request of the Attorney General or the Secretary of the Treasury. (20 minutes)

Paul—Prohibits funds made available by these authorizations of appropriations from being used to assist, cooperate with, or provide any support to the International Criminal Court. (20 minutes)

#### PART B—SUMMARY OF AMENDMENTS MADE IN ORDER

Bereuter—Authorizes the National Guard to use its appropriated funds to cover the costs of conducting and participating in athletic events relevant to military duties or military physical fitness requirements (i.e. marathons and small arms competitions) and authorizes the use of funds appropriated to cover the costs incurred by the National Guard members as they train for and participate in those athletic events. (10 minutes)

Culberson—Codifies the Department of Defense directive that DNA samples contained in the Armed Forces Repository of Specimen Samples for the Identification of Remains can be used for law enforcement purposes with a court order to investigate or prosecute a felony, or sexual offense. (10 minutes)

Davis, Jo Ann—Commends the crews of the aircraft carriers who participated in Operation Enduring Freedom and the homeland defense mission and expresses the sense of the Congress that the carrier force level, as outlined in the Quadrennial Defense Review should not fall below twelve active carriers. (10 minutes)

Farr—Establishes a National Foreign Language Skills Registry of qualified linguists who would volunteer their foreign language skills, translation and interpretation to the DoD and other agencies in times of national emergency. (10 minutes)

Hefley—Clarifies that the Navy's base contract for information technology services may be extended to seven years, but allows for the contract to have a longer duration if options are exercised. (10 minutes)

Issa—Allows the Secretary of Defense to exchange property at Marine Corps Air Station (MCAS) El Toro, which was closed in 1996, for base housing construction at Camp Pendleton, MCAS Miramar, and the Marine Corps Recruit Depot, located in Southern California. (10 minutes)

Manzullo—Holds harmless the funding level for all Procurement Technical Assistance Centers (PTACs) in case the appropriations later this year do not match the authorized level. (10 minutes)

Ortiz—Prohibits the acquisition of T-5 tankers for the Navy unless the acquisition is authorized in a defense authorization act. (10 minutes)

Pallone—Transfers proceeds from the sale of military family housing assets at Ft. Monmouth, NJ back to the Fort after the sale to build replacement Family Housing Units and to rehabilitate existing family housing on Ft. Monmouth. (10 minutes)

Saxton—Requires that the Secretary of Defense review the effects of single source contracting in the awards process as related to ship combat technology and industrial base. The review will result in a report submitted to Congress no later than March 31, 2003. (10 minutes)

Schrock—Authorizes the Secretary of the Navy to carry out not more than three pilot projects under military housing privatization authorities to use the private sector for the acquisition or construction of military unaccompanied housing in the U.S., including any

territory or possession of the U.S. The authority would expire September 30, 2007. (10 minutes)

Smith (NJ)—Strengthens and expands health care resources sharing between the Departments of Defense and Veterans Affairs by establishing incentives and pilot programs for health care and graduate medical education. The amendment also establishes an interagency committee to plan, facilitate and improve sharing efforts between the two Departments. (10 minutes)

Snyder—Amends Section 2605 of Title 10 to provide authority to the Secretary of Defense to accept gifts for the National Defense University. (10 minutes)

Spratt—Gives the Secretary of Defense the discretion to impose stricter standards of accounting expertise for certain DoD financial positions. These new standards will not apply retroactively to current DoD personnel. (10 minutes)

Stump—Corrects the description under F-16 modifications regarding targeting pods for the Air Force Reserve Command to clarify that \$14.4 million is to be made available for 36 Litening II modernization kits for the F-16 block 25 and block 30 aircraft, rather than to procure 8 Litening AT pods for those aircraft and corrects the bill's language on impact aid to reflect the original intent of the provision and make it consistent with other parts of the bill and report. (10 minutes)

Tiahrt—Requires that future regular reporting requirements imposed on the DoD would have a sunset provision of five years after enactment. (10 minutes)

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## PART A

### TEXT OF AMENDMENTS MADE IN ORDER

#### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title X (page 218, after line 15), insert the following new section:

#### **SEC. 10 \_\_\_\_ . ENHANCED COOPERATION BETWEEN UNITED STATES AND RUSSIAN FEDERATION TO PROMOTE MUTUAL SECURITY.**

(a) STATEMENT OF POLICY.—It is the policy of the United States to pursue greater cooperation, transparency, and confidence with the Russian Federation regarding nuclear weapons policy, force structure, safeguards, testing, and proliferation prevention, as well as nuclear weapons infrastructure, production, and dismantlement, so as to promote mutual security, stability, and trust.

(b) SENSE OF CONGRESS REGARDING ENHANCED COOPERATION WITH RUSSIA.—It is the sense of Congress that the President of the United States should continue to engage the President of the Russian Federation to achieve the following objectives, consistent with United States national security, in the interest of promoting mutual trust, security, and stability:

(1) An agreement that would seek to prevent the illicit use, diversion, theft, or proliferation of tactical nuclear weapons, and their key components and materials, by—

(A) withdrawing deployed nonstrategic nuclear weapons;

(B) accounting for, consolidating, and securing the Russian Federation's nonstrategic nuclear weapons; and

(C) dismantling or destroying United States and Russian nonstrategic nuclear weapons in excess of each nation's legitimate defense needs.

(2) A reciprocal program of joint visits by nuclear weapons scientists and experts of the United States and the Russian Federation to the United States nuclear test site in Nevada, and the Russian nuclear test site at Novya Zemlya.

(3) A reciprocal program of joint visits and conferences at each nation's nuclear weapons laboratories and nuclear weapons development and production facilities to discuss how to improve the safety and security of each nation's nuclear stockpile, nuclear materials, and nuclear infrastructure.

(4) A reciprocal program of joint visits and conferences to explore greater cooperation between the United States and the Russian Federation with regard to ballistic missile defenses against intentional, unauthorized, and accidental launches of ballistic missiles.

(5) A joint commission on nonproliferation, composed of senior nonproliferation and intelligence officials from the United States and the Russian Federation, to meet regularly in a closed forum to discuss ways to prevent rogue states and potential adversaries from acquiring—

(A) weapons of mass destruction and ballistic missiles;

(B) the dual-use goods, technologies, and expertise necessary to develop weapons of mass destruction and ballistic missiles; and

(C) advanced conventional weapons.

(6) A joint program to develop advanced methods for disposal of weapons-grade nuclear materials excess to defense needs, including safe, proliferation resistant, advanced nuclear fuel cycles that achieve more complete consumption of weapons materials, and other methods that minimize waste and hazards to health and the environment.

(7) A joint program to develop methods for safeguarding, treating, and disposing of spent reactor fuel and other nuclear waste so as to minimize the risk to public health, property, and the environment, as well as the possibility of diversion to illicit purposes.

(8) A joint program, built upon existing programs, to cooperatively develop advanced methods and techniques for establishing a state-of-the-art inventory control and monitoring system for nuclear weapons and material.

(c) REPORT.—No later than March 1, 2003, the President shall submit to Congress a report (in unclassified or classified form as necessary) on the status of the objectives under subsection (b). The report shall include the following:

(1) A description of the actions taken by the President to engage the Russian Federation to achieve those objectives.

(2) A description of the progress made to achieve those objectives.

(3) A description of the response of the Russian Federation to the actions referred to in paragraph (1).

(4) The President's assessment of the Russian Federation's commitment to a better, closer relationship with the United States based on the principles of increased cooperation and transparency.

At the end of subtitle C of title XXXI (page 352, after line 24) insert the following new section:

**SEC. 3146. CONDITIONS UNDER WHICH PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS IS REPEALED.**

(a) **PRESIDENTIAL CERTIFICATION.**—Subsection (b) shall take effect as of the date on which the President submits to Congress the President's certification that—

(1) another nation has conducted a nuclear test for the purpose of developing new or improved nuclear weapons;

(2) another nation is developing weapons of mass destruction in underground facilities, and such weapons could pose an imminent risk to the United States or to United States military personnel deployed abroad; or

(3) it is in the national security interest of the United States that subsection (b) take effect.

(b) **REPEAL.**—Effective as of the date provided in subsection (a), section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note) is repealed.

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**2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAUSCHER OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of section 1014 of the bill (page 200, after line 6), insert the following new subsection:

(c) **REPORT ON OPTIONS FOR ACHIEVING, PRIOR TO FISCAL YEAR 2012, PRESIDENT'S OBJECTIVE FOR OPERATIONALLY DEPLOYED NUCLEAR WARHEADS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on options for achieving, prior to fiscal year 2012, a posture under which the United States maintains a number of operationally deployed nuclear warheads at a level of from 1,700 to 2,200 such warheads, as outlined in the Nuclear Posture Review. The report shall include the following:

(1) For each of fiscal years 2006, 2008, and 2010, an assessment of the options for achieving such posture as of such fiscal year.

(2) An assessment of the effects of achieving such posture prior to fiscal year 2012 on cost, the dismantlement workforce, and any other affected matter.

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**3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF MASSACHUSETTS, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES**

At the end of subtitle C of title XXXI (page 352, after line 24), insert the following new section:

**SEC. 3146. PROHIBITION ON RESEARCH AND DEVELOPMENT OF NUCLEAR EARTH PENETRATOR WEAPON.**

(a) **PERMANENT PROHIBITION.**—No funds available to the Department of Energy may be used for any development, testing, or engineering of a nuclear earth penetrator weapon.

(b) **FISCAL YEAR 2003.**—No funds appropriated for or otherwise made available to the Secretary of Energy for fiscal year 2003 may be used for a feasibility study for a nuclear earth penetrator weapon.

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**4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES**

At the end of subtitle C of title II (page 49, after line 17), insert the following new section:

**SEC. 234. PROHIBITION ON USE OF FUNDS FOR SPACE-BASED NATIONAL MISSILE DEFENSE PROGRAM.**

No funds appropriated for fiscal year 2003 for the Department of Defense may be used for a space-based national missile defense program.

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**5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPRATT OF SOUTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES**

At the end of subtitle B of title II (page 45, after line 19), insert the following new section:

**SEC. 217. TRANSFER OF FUNDS TO INCREASE AMOUNTS FOR PAC-3 MISSILE PROCUREMENT AND ISRAELI ARROW PROGRAM.**

(a) **INCREASE FOR PAC-3 PROCUREMENT.**—The amount provided in section 101 for Missile Procurement, Army, is hereby increased by \$65,000,000, to be available for an additional 24 PAC-3 missiles.

(b) **INCREASE FOR ISRAELI ARROW PROGRAM.**—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by \$70,000,000, to be available within program element 0603881C, Terminal Defense Segment, only for the Israeli Arrow Ballistic Missile System program.

(c) **CORRESPONDING REDUCTION.**—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by \$135,000,000, to be derived from amounts for the Missile Defense Agency for program element 0603883C, Boost Defense Segment, of which—

(1) \$54,393,000 shall be derived from project 4040, Space-Based Boost;

(2) \$24,810,000 shall be derived from project 4043, Space-Based Laser; and

(3) \$55,797,000 shall be derived from project 4020, Sea-Based Boost.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR A DESIGNEE, AS A SUBSTITUTE FOR THE AMENDMENT NUMBERED 5, TO BE OFFERED BY REPRESENTATIVE SPRATT OF SOUTH CAROLINA, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title II (page 218, after line 15), insert the following new section:

**SEC. \_\_\_\_ . TRANSFER OF FUNDS TO INCREASE AMOUNTS FOR PAC-3 MISSILE PROCUREMENT AND ISRAELI ARROW PROGRAM.**

(a) INCREASE FOR PAC-3 PROCUREMENT.—The amount provided in section 101 for Missile Procurement, Army, is hereby increased by \$65,000,000, to be available for an additional 24 PAC-3 missiles.

(b) INCREASE FOR ISRAELI ARROW PROGRAM.—The amount provided in section 201(4) for the Missile Defense Agency is hereby increased by \$70,000,000, to be available within program element 0603881C, Terminal Defense Segment, only for the Israeli Arrow Ballistic Missile Defense System program.

(c) CORRESPONDING REDUCTION.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by \$135,000,000, to be derived from amounts available to the Missile Defense Agency.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANCHEZ OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title VII (page 159, after line 14) insert the following:

**SEC. 7 \_\_\_\_ . LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.**

Section 1093(b) of title 10, United States Code, is amended by inserting “in the United States” after “Defense”.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODE OF VIRGINIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title X (page 218, after line 15), insert the following new section:

**SEC. \_\_\_\_ . ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.**

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

**“§ 374a. Assignment of members to assist border patrol and control**

“(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

“(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

“(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

“(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

“(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

“(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Attorney General or the Secretary of the Treasury may establish ongoing joint task forces when accompanied by a certification by the President that the assignment of members pursuant to the request to establish a joint task force is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(2) When established, any joint task force shall fully comply with the standards as set forth in this section.

“(f) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States

Customs Service (as the case may be) and the types of tasks to be performed by the members.

“(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

“(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2005.”.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

“374a. Assignment of members to assist border patrol and control.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PAUL OF TEXAS, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title X (page 218, after line 15), insert the following new section:

**SEC. 10 \_\_\_\_ . SENSE OF CONGRESS ON PROHIBITION OF USE OF FUNDS FOR INTERNATIONAL CRIMINAL COURT.**

It is the sense of Congress that none of the funds appropriated pursuant to authorizations of appropriations in this Act should be used for any assistance to, or to cooperate with or to provide any support for, the International Criminal Court.

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PART B

TEXT OF AMENDMENTS MADE IN ORDER

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEREUTER OF NEBRASKA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title V (page 125, after line 9), insert the following new section:

**SEC. 533. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.**

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

“(c) CONDUCT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

“(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

“(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

“(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

“(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).”

(b) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

“(d) AVAILABILITY OF FUNDS.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

“(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

“(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

“(2) Not more than \$2,500,000 may be obligated or expended in any fiscal year under subsection (c).

“(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term ‘qualifying athletic competition’ means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.”

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “AUTHORIZED ACTIVITIES.—” after “(a)”; and

(2) in subsection (b), by inserting “AUTHORIZED LOCATIONS.—” after “(b)”.

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by inserting “and” after the semicolon;

(B) in paragraph (2), by striking “; or” and inserting a period; and

(C) by striking paragraph (3).

(2) The heading of such section is amended to read as follows:

**“§ 504. National Guard schools; small arms competitions; athletic competitions”.**

(3) The item relating to section 504 in the table of sections at the beginning of chapter 5 of title 10, United States Code, is amended to read as follows:

“504. National Guard schools; small arms competitions; athletic competitions.”.

# 11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CULBERSON OF TEXAS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 218, after line 15), insert the following new section:

**SEC. \_\_\_\_ . USE FOR LAW ENFORCEMENT PURPOSES OF DNA SAMPLES  
MAINTAINED BY DEPARTMENT OF DEFENSE FOR IDENTIFICATION OF HUMAN REMAINS.**

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1566. DNA samples maintained for identification of human remains: use for law enforcement purposes**

“(a) COMPLIANCE WITH COURT ORDER.—(1) Subject to paragraph (2), if a valid order of a Federal court (or military judge) so requires, an element of the Department of Defense that maintains a repository of DNA samples for the purpose of identification of human remains shall make available, for the purpose specified in subsection (b), such DNA samples on such terms and conditions as such court (or military judge) directs.

“(2) A DNA sample with respect to an individual shall be provided under paragraph (1) in a manner that does not compromise the ability of the Department of Defense to maintain a sample with respect to that individual for the purpose of identification of human remains.

“(b) COVERED PURPOSE.—The purpose referred to in subsection (a) is the purpose of an investigation or prosecution of a felony, or any sexual offense, for which no other source of DNA information is available.

“(c) DEFINITION.—In this section, the term ‘DNA sample’ has the meaning given such term in section 1565(c) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1566. DNA samples maintained for identification of human remains: use for law enforcement purposes.”.

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**12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JO ANN DAVIS OF VIRGINIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title X (page 218, after line 15), insert the following new section:

**SEC. \_\_\_\_ . SENSE OF CONGRESS CONCERNING AIRCRAFT CARRIER FORCE STRUCTURE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The aircraft carrier has been an integral component in Operation Enduring Freedom and in the homeland defense mission beginning on September 11, 2001. The aircraft carriers that have participated in Operation Enduring Freedom, as of May 1, 2002, are the USS Enterprise (CVN-65), the USS Carl Vinson (CVN-70), the USS Kitty Hawk (CV-63), the USS Theodore Roosevelt (CVN-71), the USS John C. Stennis (CVN-74), and the USS John F. Kennedy (CV-67). The aircraft carriers that have participated in the homeland defense mission are the USS George Washington (CVN-73), the USS John F. Kennedy (CV-67), and the USS John C. Stennis (CVN-74).

(2) Since 1945, the United States has built 172 bases overseas, of which only 24 are currently in use.

(3) The aircraft carrier provides an independent base of operations should no land base be available for aircraft.

(4) The aircraft carrier is an essential component of the Navy.

(5) Both the F/A-18E/F aircraft program and the Joint Strike Fighter aircraft program are proceeding on schedule for deployment on aircraft carriers.

(6) As established by the Navy, the United States requires the service of 15 aircraft carriers to completely fulfill all the naval commitments assigned to it without gapping carrier presence.

(7) The Navy requires, at a minimum, at least 12 carriers to accomplish its current missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the number of aircraft carriers of the Navy in active service should not be less than 12.

(c) COMMENDATION OF CREWS.—Congress hereby commends the crews of the aircraft carriers that have participated in Operation Enduring Freedom and the homeland defense mission.

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13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FARR OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 218, after line 15), insert the following new section:

**SEC. \_\_\_\_ . ENHANCED AUTHORITY TO OBTAIN FOREIGN LANGUAGE SERVICES DURING PERIODS OF EMERGENCY.**

(a) NATIONAL FOREIGN LANGUAGE SKILLS REGISTRY.—(1) The Secretary of Defense may establish and maintain a secure data registry to be known as the “National Foreign Language Skills Registry”. The data registry shall consist of the names of, and other pertinent information on, linguistically qualified United States citizens and permanent resident aliens who state that they are willing to provide linguistic services in times of emergency designated by the Secretary of Defense to assist the Department of Defense and other Departments and agencies of the United States with translation and interpretation in languages designated by the Secretary of Defense as critical languages.

(2) The name of a person may be included in the Registry only if the person expressly agrees for the person’s name to be included in the Registry. Any such agreement shall be made in such form and manner as may be specified by the Secretary.

(b) AUTHORITY TO ACCEPT VOLUNTARY TRANSLATION AND INTERPRETATION SERVICES.—Section 1588(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) Language translation and interpretation services.”.

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HEFLEY OF COLORADO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 351 (page 68, beginning line 2), and insert the following new section:

**SEC. 351. AUTHORIZED DURATION OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.**

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398 (114 Stat. 1654A–215) and amended by section 362 of Public Law 107–107 (115 Stat. 1065), is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) **DURATION OF BASE NAVY-MARINE CORPS INTRANET CONTRACT.**—Notwithstanding section 2306c of title 10, United States Code, the base contract of the Navy-Marine Corps Intranet contract may have a term in excess of five years, but not more than seven years.”.

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**15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ISSA OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of part II of subtitle C of title XXVIII (page 317, after line 13), insert the following new section:

**SEC. 2833. LAND CONVEYANCE AUTHORITY, MARINE CORPS AIR STATION, EL TORO, CALIFORNIA, TO PROMOTE ACQUISITION OF HOUSING FOR OTHER MILITARY INSTALLATIONS.**

(a) **CONVEYANCE AUTHORITY.**—The Secretary of Defense may use the authority provided under section 2905(f) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) to convey real property at former Marine Corps Air Station, El Toro, California, to any person or entity that enters into an agreement to construct military family housing at or near Camp Pendleton, Marine Corps Recruit Depot, San Diego, or Marine Corps Air Station, Miramar, California.

(b) **INAPPLICABILITY OF CERTAIN LAWS.**—The last sentence of section 2905(f)(1) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) shall not apply to the conveyance authority provided by subsection (a).

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**16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MANZULLO OF ILLINOIS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title VIII (page 174, after line 5), add the following new section:

**SEC. \_\_\_\_ . RENEWAL OF CERTAIN PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENTS AT FUNDING LEVELS AT LEAST SUFFICIENT TO SUPPORT EXISTING PROGRAMS.**

Section 2413 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) With respect to any eligible entity that has successfully performed under a cooperative agreement entered into under subsection (a), the Secretary shall strive, to the greatest extent practicable and subject to appropriations, to renew such agreement with such entity at a level of funding which is at least equal to the level of funding under the cooperative agreement being renewed.”.

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ORTIZ OF TEXAS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title I (page 21, after line 20), insert the following new section:

**SEC. \_\_\_\_ . PROHIBITION ON ACQUISITION OF CHAMPION-CLASS, T-5 FUEL TANKERS.**

(a) PROHIBITION.—Except as provided in subsection (b), a Champion-class fuel tanker, known as a T-5, which features a double hull and reinforcement against ice damage, may not be acquired for the Military Sealift Command or for other Navy purposes.

(b) TERMINATION.—The prohibition in subsection (a) shall not apply if the acquisition of a T-5 tanker is specifically authorized in a defense authorization Act that—

- (1) is enacted after the date of the enactment of this Act;
- (2) specifically refers to subsection (a); and
- (3) specifically states that the prohibition in such subsection does not apply.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PALLONE OF NEW JERSEY, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 312, after line 15, insert the following new section:

**SEC. 2826. LAND CONVEYANCE, FORT MONMOUTH, NEW JERSEY.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey by sale all right, title, and interest of the United States in and to a parcel of land, consisting of approximately 63.95 acres of military family housing known as Howard Commons, that comprises a portion of Fort Monmouth, New Jersey.

(b) COMPETITIVE BID REQUIREMENT.—The Secretary shall use competitive procedures for the sale authorized by subsection (a).

(c) CONSIDERATION.—As consideration for the conveyance authorized under subsection (a), the recipient of the land shall pay an amount that is no less than fair market value, as determined by the Secretary. Such recipient may, as in-kind consideration, build replacement military family housing or rehabilitate existing military family housing at Fort Monmouth, New Jersey, as agreed upon by the Secretary. Any proceeds received by the Secretary not used to construct or rehabilitate such military family housing shall be deposited in the special account in the Treasury established pursuant to section 204(h) of the Federal property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PARCEL.—The exact acreage and legal description of the parcel to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the parcel.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SAXTON  
OF NEW JERSEY, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 218, after line 15), insert the following new section:

**SEC. \_\_\_\_ . SURFACE COMBATANT INDUSTRIAL BASE.**

(a) REVIEW.—The Secretary of Defense shall conduct a review of the effect of the contract award announced on April 29, 2002, for the lead design agent for the DD(X) ship program on the industrial base for ship combat system development, including the industrial base for each of the following: ship systems integration, radar, electronic warfare, launch systems, and other components.

(b) REPORT REQUIRED.—Not later than March 31, 2003, the Secretary shall submit to the congressional defense committees a report based on the review under subsection (a). The report shall provide the Secretary's assessment of the effect of that contract award on the ship combat system technology and industrial base and shall describe any actions that the Secretary proposes to ensure future competition across the array of technologies that encompass the combat systems of future surface ships, including the next generation cruiser (CG(X)), the littoral combat ship (LCS), and the joint command ship (JCC(X)).

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHROCK  
OF VIRGINIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XXVIII (page 292, after line 7), insert the following new section:

**SEC. \_\_\_\_ . PILOT HOUSING PRIVATIZATION AUTHORITY FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.**

(a) IN GENERAL.—(1) Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2881 the following new section:

**“§ 2881a. Pilot projects for acquisition or construction of military unaccompanied housing**

“(a) PILOT PROJECTS AUTHORIZED.—The Secretary of the Navy may carry out not more than 3 pilot projects under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing in the United States, including any territory or possession of the United States.

“(b) ASSIGNMENT OF MEMBERS AND BASIC ALLOWANCE FOR HOUSING.—(1) The Secretary of the Navy may assign members of the armed forces to housing units acquired or constructed under the pilot projects, and such housing units shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

“(2) Notwithstanding section 403(n)(2) of title 37, the Secretary of Defense may set specific higher rates of partial basic allowance for housing for a member of the armed forces who is assigned to a housing unit acquired or constructed under the pilot projects. Any increase in the rate of partial basic allowance for housing to accommodate the pilot programs shall be in addition to any partial

basic allowance for housing that the member may otherwise be eligible to receive under section 403(n) of title 37. A member may not sustain a reduction in partial basic allowance for housing as a result of assignment to a housing unit acquired or constructed under the pilot projects.

“(c) FUNDING.—(1) The Department of Defense Housing Improvement Fund shall be used to carry out activities under the pilot projects.

“(2) Subject to 90 days prior notification to the appropriate committees of Congress, such additional amounts as the Secretary of Defense considers necessary may be transferred to the Department of Defense Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing projects in military construction accounts. The amounts so transferred shall be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund.

“(d) REPORTS.—(1) The Secretary of the Navy shall transmit to the appropriate committees of Congress a report describing—

“(A) each contract for the acquisition of military unaccompanied housing that the Secretary proposes to solicit under the pilot projects;

“(B) each conveyance or lease proposed under section 2878 of this title in furtherance of the pilot projects; and

“(C) the proposed partial basic allowance for housing rates for each contract as they vary by grade of the member and how they compare to basic allowance for housing rates for other contracts written under the authority of the pilot programs.

“(2) The report shall describe the proposed contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease and provide a justification of such method of participation. The report shall be submitted not later than 90 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.

“(e) EXPIRATION.—Notwithstanding section 2885 of this title, the authority of the Secretary of the Navy to enter into a contract under the pilot programs shall expire September 30, 2007.”.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2881 the following new item:

“2881a. Pilot projects for acquisition or construction of military unaccompanied housing.”.

(b) CONFORMING AMENDMENT.—Section 2871(7) of title 10, United States Code, is amended by inserting before the period at the end the following: “and transient housing intended to be occupied by members of the armed forces on temporary duty”.

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## 21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF NEW JERSEY, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII (page 159, after line 14), insert the following new subtitle:

## **Subtitle C—Department of Defense-Department of Veterans Affairs Health Resources Sharing**

### **SEC. 721. SHORT TITLE.**

This subtitle may be cited as the “Department of Defense-Department of Veterans Affairs Health Resources Sharing and Performance Improvement Act of 2002”.

### **SEC. 722. FINDINGS AND SENSE OF CONGRESS CONCERNING STATUS OF HEALTH RESOURCES SHARING BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.**

#### **(a) FINDINGS.—**Congress makes the following findings:

(1) Federal health care resources are scarce and thus should be effectively and efficiently used.

(2) In 1982, Congress, in Public Law 97–174, authorized the sharing of health resources between Department of Defense medical treatment facilities and Department of Veterans Affairs health care facilities in order to allow more effective and efficient use of those health resources.

(3) Health care beneficiaries of the Departments of Defense and Veterans Affairs, whether active servicemembers, veterans, retirees, or family members of active or retired servicemembers, should have full access to the health care and services that Congress has authorized for them.

(4) The Secretary of Defense and the Secretary of Veterans Affairs, and the appropriate officials of each of the Departments of Defense and Veterans Affairs with responsibilities related to health care, have not taken full advantage of the opportunities provided by law to make their respective health resources available to health care beneficiaries of the other Department in order to provide improved health care for the whole number of beneficiaries.

(5) After the many years of support and encouragement from Congress, the Departments have made little progress in health resource sharing and the intended results of the sharing authority have not been achieved.

#### **(b) SENSE OF CONGRESS.—**Congress urges the Secretary of Defense and the Secretary of Veterans Affairs—

(1) to commit their respective Departments to significantly improve mutually beneficial sharing and coordination of health care resources and services during peace and war;

(2) to build organizational cultures supportive of improved sharing and coordination of health care resources and services; and

(3) to establish and achieve measurable goals to facilitate increased sharing and coordination of health care resources and services.

#### **(c) PURPOSE.—**It is the purpose of this Act—

(1) to authorize a program to advance mutually beneficial sharing and coordination of health care resources between the two Departments consistent with the longstanding intent of Congress; and

(2) to establish a basis for improved strategic planning by the Department of Defense and Department of Veterans Affairs health systems to ensure that scarce health care resources are used more effectively and efficiently in order to enhance access to high quality health care for their respective beneficiaries.

**SEC. 723. REVISED COORDINATION AND SHARING GUIDELINES.**

(a) IN GENERAL.—(1) Section 8111 of title 38, United States Code, is amended to read as follows:

**“§ 8111. Sharing of Department of Veterans Affairs and Department of Defense health care resources**

“(a) REQUIRED COORDINATION AND SHARING OF HEALTH CARE RESOURCES.—The Secretary of Veterans Affairs and the Secretary of Defense shall enter into agreements and contracts for the mutually beneficial coordination, use, or exchange of use of the health care resources of the Department of Veterans Affairs and the Department of Defense with the goal of improving the access to, and quality and cost effectiveness of, the health care provided by the Veterans Health Administration and the Military Health System to the beneficiaries of both Departments.

“(b) JOINT REQUIREMENTS FOR SECRETARIES OF VETERANS AFFAIRS AND DEFENSE.—To facilitate the mutually beneficial coordination, use, or exchange of use of the health care resources of the two Departments, the two Secretaries shall carry out the following functions:

“(1) Develop and publish a joint strategic vision statement and a joint strategic plan to shape, focus, and prioritize the coordination and sharing efforts among appropriate elements of the two Departments and incorporate the goals and requirements of the joint sharing plan into the strategic and performance plan of each Department under the Government Performance and Results Act.

“(2) Jointly fund the interagency committee provided for under subsection (c).

“(3) Continue to facilitate and improve sharing between individual Department of Veterans Affairs and Department of Defense health care facilities, but giving priority of effort to initiatives (A) that improve sharing and coordination of health resources at the intraregional and nationwide levels, and (B) that improve the ability of both Departments to provide coordinated health care.

“(4) Establish a joint incentive program under subsection (d).

“(c) DOD–VA HEALTH EXECUTIVE COMMITTEE.—(1) There is established an interagency committee to be known as the Department of Veterans Affairs–Department of Defense Health Executive Committee (hereinafter in this section referred to as the ‘Committee’). The Committee is composed of—

“(A) the Deputy Secretary of the Department of Veterans Affairs and such other officers and employees of the Department of Veterans Affairs as the Secretary of Veterans Affairs may designate; and

“(B) the Under Secretary of Defense for Personnel and Readiness and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

“(2)(A) During odd-numbered fiscal years, the Deputy Secretary of Veterans Affairs shall chair the Committee. During even-numbered fiscal years, the Under Secretary of Defense shall chair the Committee.

“(B) The Deputy Secretary and the Under Secretary shall determine the size and structure of the Committee, as well as the administrative and procedural guidelines for the operation of the Committee. The two Departments shall share equally the Committee’s cost of personnel and administrative support and services. Support for such purposes shall be provided at a level sufficient for the efficient operation of the Committee, including a permanent staff and, as required, other temporary working groups of appropriate departmental staff and outside experts.

“(3) The Committee shall recommend to the Secretaries strategic direction for the joint coordination and sharing efforts between and within the two Departments under this section and shall oversee implementation of those efforts.

“(4) The Committee shall submit to the two Secretaries and to Congress an annual report containing such recommendations as the Committee considers appropriate. The two Secretaries shall implement the Committee’s recommendations unless, with respect to any such recommendation, either Secretary formally determines that the recommendation should not be implemented or should be implemented in a modified form. Upon making such a determination, the Secretary making the determination shall submit to Congress notice of the Secretary’s determination and the Secretary’s rationale for the determination.

“(5) In order to enable the Committee to make recommendations in its annual report under paragraph (4), the Committee shall do the following:

“(A) Review existing policies, procedures, and practices relating to the coordination and sharing of health care resources between the two Departments.

“(B) Identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial coordination, use, or exchange of use of the health care resources of the two Departments, with the goal of improving the access to, and quality and cost effectiveness of, the health care provided by the Veterans Health Administration and the Military Health System to the beneficiaries of both Departments.

“(C) Identify and assess further opportunities for the coordination and sharing of health care resources between the Departments that, in the judgment of the Committee, would not adversely affect the range of services, the quality of care, or the established priorities for care provided by either Department.

“(D) Review the plans of both Departments for the acquisition of additional health care resources, especially new facilities and major equipment and technology, in order to assess the potential effect of such plans on further opportunities for the coordination and sharing of health care resources.

“(E) Review the implementation of activities designed to promote the coordination and sharing of health care resources between the Departments. To assist in this effort, the Committee

chairman, under procedures jointly developed by the Secretaries of both Departments, may task the Inspectors General of either or both Departments.

“(d) JOINT INCENTIVES PROGRAM.—(1) Pursuant to subsection (b)(4), the two Secretaries shall carry out a program to identify, provide incentives to, implement, fund, and evaluate creative coordination and sharing initiatives at the facility, intraregional and nationwide levels. The program shall be administered by the Committee established in subsection (c), under procedures jointly prescribed by the two Secretaries.

“(2) To facilitate the incentive program, there is established in the Treasury, effective on October 1, 2003, a DOD–VA Health Care Sharing Incentive Fund. Each Secretary shall annually contribute to the fund a minimum of \$15,000,000 from the funds appropriated to that Secretary’s Department. Such funds shall remain available until expended.

“(3)(A) The implementation and effectiveness of the program under this subsection shall be reviewed annually by the joint Department of Defense–Department of Veterans Affairs Inspector General review team established in section 724(i) of the Department of Defense–Department of Veterans Affairs Health Resources Sharing and Performance Improvement Act of 2002. On completion of the annual review, the review team shall submit a report to the two Secretaries on the results of the review. Such report shall be submitted through the Committee to the Secretaries not later than December 31 of each calendar year. The Secretaries shall forward each report, without change, to the Committees on Armed Services and Veterans’ Affairs of the Senate and House of Representatives not later than February 28 of the following year.

“(B) Each such report shall describe activities carried out under the program under this subsection during the preceding fiscal year. Each report shall include at least the following:

“(i) An analysis of the initiatives funded by the Committee, and the funds so expended by such initiatives, from the Health Care Sharing Incentive Fund, including the purposes and effects of those initiatives on improving access to care by beneficiaries, improvements in the quality of care received by those beneficiaries, and efficiencies gained in delivering services to those beneficiaries.

“(ii) Other matters of interest, including recommendations from the review team to make legislative improvements to the program.

“(4) The program under this subsection shall terminate on September 30, 2007.

“(e) GUIDELINES AND POLICIES FOR IMPLEMENTATION OF COORDINATION AND SHARING RECOMMENDATIONS, CONTRACTS, AND AGREEMENTS.—(1) To implement the recommendations made by the Committee under subsection (c)(2), as well as to carry out other health care contracts and agreements for coordination and sharing initiatives as they consider appropriate, the two Secretaries shall jointly issue guidelines and policy directives. Such guidelines and policies shall provide for coordination and sharing that—

“(A) is consistent with the health care responsibilities of the Department of Veterans Affairs under this title and with the

health care responsibilities of the Department of Defense under chapter 55 of title 10;

“(B) will not adversely affect the range of services, the quality of care, or the established priorities for care provided by either Department; and

“(C) will not reduce capacities in certain specialized programs of the Department of Veterans Affairs that the Secretary is required to maintain in accordance with section 1706(b) of this title.

“(2) To facilitate the sharing and coordination of health care services between the two Departments, the two Secretaries shall jointly develop and implement guidelines for a standardized, uniform payment and reimbursement schedule for those services. Such schedule shall be implemented no later than the beginning of fiscal year 2004 and shall be revised periodically as necessary.

“(3)(A) The guidelines established under paragraph (1) shall authorize the heads of individual Department of Defense and Department of Veterans Affairs medical facilities and service regions to enter into health care resources coordination and sharing agreements.

“(B) Under any such agreement, an individual who is a primary beneficiary of one Department may be provided health care, as provided in the agreement, at a facility or in the service region of the other Department that is a party to the sharing agreement.

“(C) Each such agreement shall identify the health care resources to be shared.

“(D) Each such agreement shall provide, and shall specify procedures designed to ensure, that the availability of direct health care to individuals who are not primary beneficiaries of the providing Department is (i) on a referral basis from the facility or service region of the other Department, and (ii) does not (as determined by the head of the providing facility or region) adversely affect the range of services, the quality of care, or the established priorities for care provided to the primary beneficiaries of the providing Department.

“(E) Each such agreement shall provide that a providing Department or service region shall be reimbursed for the cost of the health care resources provided under the agreement and that the rate of such reimbursement shall be as determined in accordance with paragraph (2).

“(F) Each proposal for an agreement under this paragraph shall be effective (i) on the 46th day after the receipt of such proposal by the Committee, unless earlier disapproved, or (ii) if earlier approved by the Committee, on the date of such approval.

“(G) Any funds received through such a uniform payment and reimbursement schedule shall be credited to funds that have been allotted to the facility of either Department that provided the care or services, or is due the funds from, any such agreement.

“(f) ANNUAL JOINT REPORT.—(1) At the time the President’s budget is transmitted to Congress in any year pursuant to section 1105 of title 31, the two Secretaries shall submit to Congress a joint report on health care coordination and sharing activities under this section during the fiscal year that ended during the previous calendar year.

“(2) Each report under this section shall include the following:

“(A) The guidelines prescribed under subsection (e) of this section (and any revision of such guidelines).

“(B) The assessment of further opportunities identified under subparagraph (C) of subsection (c)(5) for the sharing of health-care resources between the two Departments.

“(C) Any recommendation made under subsection (c)(4) of this section during such fiscal year.

“(D) A review of the sharing agreements entered into under subsection (e) of this section and a summary of activities under such agreements during such fiscal year and a description of the results of such agreements in improving access to, and the quality and cost effectiveness of, the health care provided by the Veterans Health Administration and the Military Health System to the beneficiaries of both Departments.

“(E) A summary of other planning and activities involving either Department in connection with promoting the coordination and sharing of Federal health-care resources during the preceding fiscal year.

“(F) Such recommendations for legislation as the two Secretaries consider appropriate to facilitate the sharing of health-care resources between the two Departments.

“(3) In addition to the matters specified in paragraph (2), the two Secretaries shall include in the annual report under this subsection an overall status report of the progress of health resources sharing between the two Departments as a consequence of the Department of Defense-Department of Veterans Affairs Health Resources Sharing and Performance Improvement Act of 2002 and of other sharing initiatives taken during the period covered by the report. Such status report shall indicate the status of such sharing and shall include appropriate data as well as analyses of that data. The annual report shall include the following:

“(A) Enumerations and explanations of major policy decisions reached by the two Secretaries during the period covered by the report period with respect to sharing between the two Departments.

“(B) A description of any purposes of Department of Defense-Department of Veterans Affairs Health Resources Sharing and Performance Improvement Act of 2002 that presented barriers that could not be overcome by the two Secretaries and their status at the time of the report.

“(C) A description of progress made in new ventures or particular areas of sharing and coordination that would be of policy interest to Congress consistent with the intent of such Act.

“(D) A description of enhancements of access to care of beneficiaries of both Departments that came about as a result of new sharing approaches brought about by such Act.

“(E) A description of proposals for which funds are provided through the joint incentives program under subsection (d), together with a description of their results or status at the time of the report, including access improvements, savings, and quality-of-care enhancements they brought about, and a description of any additional use of funds made available under subsection (d).

“(g) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘beneficiary’ means a person who is a primary beneficiary of the Department of Veterans Affairs or of the Department of Defense.

“(2) The term ‘direct health care’ means health care provided to a beneficiary in a medical facility operated by the Department or the Department of Defense.

“(3) The term ‘head of a medical facility’ (A) with respect to a medical facility of the Department, means the director of the facility, and (B) with respect to a medical facility of the Department of Defense, means the medical or dental officer in charge or the contract surgeon in charge.

“(4) The term ‘health-care resource’ includes hospital care, medical services, and rehabilitative services, as those terms are defined in paragraphs (5), (6), and (8), respectively, of section 1701 of this title, services under sections 1782 and 1783 of this title, any other health-care service, and any health-care support or administrative resource.

“(5) The term ‘primary beneficiary’ (A) with respect to the Department means a person who is eligible under this title (other than under section 1782, 1783, or 1784 or subsection (d) of this section) or any other provision of law for care or services in Department medical facilities, and (B) with respect to the Department of Defense, means a member or former member of the Armed Forces who is eligible for care under section 1074 of title 10.

“(6) The term ‘providing Department’ means the Department of Veterans Affairs, in the case of care or services furnished by a facility of the Department of Veterans Affairs, and the Department of Defense, in the case of care or services furnished by a facility of the Department of Defense.

“(7) The term ‘service region’ means a geographic service area of the Veterans Health Administration, in the case of the Department of Veterans Affairs, and a service region, in the case of the Department of Defense.”.

(2) The item relating to that section in the table of sections at the beginning of chapter 81 of title 38, United States Code, is amended to read as follows:

“8111. Sharing of Department of Veterans Affairs and Department of Defense health care resources.”.

(b) CONFORMING AMENDMENT.—Section 1104 of title 10, United States Code, is amended by striking “may” and inserting “shall”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

#### **SEC. 724. HEALTH CARE RESOURCES SHARING AND COORDINATION PROJECT.**

(a) ESTABLISHMENT.—(1) The Secretary of Veterans Affairs and the Secretary of Defense shall conduct a health care resources sharing project to serve as a test for evaluating the feasibility, and the advantages and disadvantages, of measures and programs designed to improve the sharing and coordination of health care and health care resources between the Department of Veterans Affairs and the Department of Defense. The project shall be carried out, as a minimum, at the sites identified under subsection (b).

(2) Reimbursement between the two Departments with respect to the project under this section shall be made in accordance with the

provisions of section 8111(e)(2) of title 38, United States Code, as amended by section 723(a).

(b) SITE IDENTIFICATION.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretaries shall jointly identify no less than five sites for the conduct of the project under this section.

(2) For purposes of this section, a site at which the resource sharing project shall be carried out is an area in the United States in which—

(A) one or more military treatment facilities and one or more VA health care facilities are situated in relative proximity to each other, including facilities engaged in joint ventures as of the date of the enactment of this Act; and

(B) for which an agreement to coordinate care and programs for patients at those facilities could be implemented not later than October 1, 2004.

(c) CONDUCT OF PROJECT.—(1) At sites at which the project is conducted, the Secretaries shall provide a test of a coordinated management system for the military treatment facilities and VA health care facilities participating in the project. Such a coordinated management system for a site shall include at least one of the elements specified in paragraph (2), and each of the elements specified in that paragraph must be included in the coordinated management system for at least two of the participating sites.

(2) Elements of a coordinated management system referred to in paragraph (1) are the following:

(A) A budget and financial management system for those facilities that—

(i) provides managers with information about the costs of providing health care by both Departments at the site;

(ii) allows managers to assess the advantages and disadvantages (in terms of relative costs, benefits, and opportunities) of using resources of either Department to provide or enhance health care to beneficiaries of either Department.

(B) A coordinated staffing and assignment system for the personnel (including contract personnel) employed at or assigned to those facilities, including clinical practitioners of either Department.

(C) Medical information and information technology systems for those facilities that—

(i) are compatible with the purposes of the project;

(ii) communicate with medical information and information technology systems of corresponding elements of those facilities; and

(iii) incorporate minimum standards of information quality that are at least equivalent to those adopted for the Departments at large in their separate health care systems.

(d) PHARMACY BENEFIT.—(1) One of the elements that shall be tested in at least two sites in accordance with subsection (c) is a pharmacy benefit under which beneficiaries of either Department shall have access, as part of the project, to pharmaceutical services of the other Department participating in the project.

(2) The two Secretaries shall enter into a memorandum of agreement to govern the establishment and provision not later than Oc-

tober 1, 2004, of pharmaceutical services authorized by this section. In the case of beneficiaries of the Department of Defense, the authority under the preceding sentence for such access to pharmaceutical services at a VA health care facility includes authority for medications to be dispensed based upon a prescription written by a licensed health care practitioner who, as determined by the Secretary of Defense, is a certified practitioner.

(e) **AUTHORITY TO WAIVE CERTAIN ADMINISTRATIVE POLICIES.**—(1)(A) In order to carry out subsections (c) and (d), the Secretary of Defense may, in the Secretary's discretion, waive any administrative policy of the Department of Defense otherwise applicable to those subsections (including policies applicable to pharmaceutical benefits) that specifically conflicts with the purposes of the project, in instances in which the Secretary determines that the waiver is necessary for the purposes of the project.

(B) In order to carry out subsections (c) and (d), the Secretary of Veterans Affairs may, in the Secretary's discretion, waive any administrative policy of the Department of Veterans Affairs otherwise applicable to those subsections (including policies applicable to pharmaceutical benefits) that specifically conflicts with the purposes of the project, in instances in which the Secretary determines that the waiver is necessary for the purposes of the project.

(C) The two Secretaries shall establish procedures for resolving disputes that may arise from the effects of policy changes that are not covered by other agreement or existing procedures.

(2) No waiver under paragraph (1) may alter any labor-management agreement in effect as of the date of the enactment of this Act or adopted by either Department during the period of the project.

(f) **USE BY DOD OF CERTAIN TITLE 38 PERSONNEL AUTHORITIES.**—(1) In order to carry out subsections (c) and (d), the Secretary of Defense may apply to civilian personnel of the Department of Defense assigned to or employed at a military treatment facility participating in the project any of the provisions of subchapters I, III, and IV of chapter 74 of title 38, United States Code, determined appropriate by the Secretary.

(2) For such purposes, any reference in such chapter—

(A) to the "Secretary" or the "Under Secretary for Health" shall be treated as referring to the Secretary of Defense; and

(B) to the "Veterans Health Administration" shall be treated as referring to the Department of Defense.

(g) **FUNDING.**—From amounts available for health care for a fiscal year, each Secretary shall make available to carry out the project not less than—

(1) \$5,000,000 for fiscal year 2003;

(2) \$10,000,000 for fiscal year 2004; and

(3) \$15,000,000 for each succeeding year during which the project is in effect.

(h) **DEFINITIONS.**—For purposes of this section:

(1) The term "military treatment facility" means a medical facility under the jurisdiction of the Secretary of a military department.

(2) The term "VA health care facility" means a facility under the jurisdiction of the Veterans Health Administration of the Department of Veterans Affairs.

(i) **PERFORMANCE REQUIREMENTS.**—(1) The two Secretaries shall provide for a joint review team to conduct an annual on-site review at each of the project locations selected by the Secretaries under this section. The review team shall be comprised of employees of the Offices of the Inspectors General of the two Departments. Leadership of the joint review team shall rotate each fiscal year between an employee of the Office of the Inspector General of the Department of Veterans Affairs, during even-numbered fiscal years, and an employee of the Office of Inspector General of the Department of Defense, during odd-numbered fiscal years.

(2) On completion of their annual joint review under paragraph (1), the review team shall submit a report to the two Secretaries on the results of the review. The Secretaries shall forward the report, without change, to the Committees on Armed Services and Veterans' Affairs of the Senate and House of Representatives.

(3) Each such report shall include the following:

(A) The strategic mission coordination between shared activities.

(B) The accuracy and validity of performance data used to evaluate sharing performance and changes in standards of care or services at the shared facilities.

(C) A statement that all appropriated funds designated for sharing activities are being used for direct support of sharing initiatives.

(D) Recommendations concerning continuance of the project at each site for the succeeding 12-month period.

(4) Whenever there is a recommendation under paragraph (3)(D) to discontinue a resource sharing project under this section, the two Secretaries shall act upon that recommendation as soon as practicable.

(5) In the initial report under this subsection, the joint review team shall validate the baseline information used for comparative analysis.

(j) **TERMINATION.**—(1) The project, and the authority provided by this section, shall terminate on September 30, 2007.

(2) The Secretaries may terminate the performance of the project at any site when the performance of the project at that site fails to meet performance expectations of the Secretaries, based on recommendations from the review team under subsection (i) or on other information available to the Secretaries to warrant such action.

**SEC. 725. REPORT ON IMPROVED COORDINATION AND SHARING OF HEALTH CARE AND HEALTH CARE RESOURCES FOLLOWING DOMESTIC ACTS OF TERRORISM OR DOMESTIC USE OF WEAPONS OF MASS DESTRUCTION.**

(a) **JOINT REVIEW.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly review the adequacy of current processes and existing statutory authorities and policy governing the capability of the Department of Defense and the Department of Veterans Affairs to provide health care to members of the Armed Forces following domestic acts of terrorism or domestic use of weapons of mass destruction, both before and after any declaration of national emergency. Such review shall include a determination of the adequacy of current authorities in providing for the coordination and sharing of health care resources between the two Depart-

ments in such cases, particularly before the declaration of a national emergency.

(b) **REPORT TO CONGRESS.**—A report on the review under subsection (a), including any recommended legislative changes, shall be submitted to Congress as part of the fiscal year 2004 budget submission.

**SEC. 726. ADOPTION BY DEPARTMENT OF VETERANS AFFAIRS OF DEPARTMENT OF DEFENSE PHARMACY DATA TRANSACTION SYSTEM.**

(a) **ADOPTION OF PDTS SYSTEM.**—The Secretary of Veterans Affairs shall adopt for use by the Department of Veterans Affairs health care system the system of the Department of Defense known as the “Pharmacy Data Transaction System”. Such system shall be fully operational for the Department of Veterans Affairs not later than October 1, 2004.

(b) **IMPLEMENTATION FUNDING.**—The Secretary of Defense shall transfer to the Secretary of Veterans Affairs, or shall otherwise bear the cost of, an amount sufficient to cover three-fourths of the cost to the Department of Veterans Affairs for initial computer programming activities and relevant staff training expenses related to implementation of subsection (a). Such amount shall be determined in such manner as agreed to by the two Secretaries.

(c) **REIMBURSEMENT PROCEDURES.**—Any reimbursement by the Department of Veterans Affairs to the Department of Defense for the use by the Department of Veterans Affairs of the transaction system under subsection (a) shall be determined in accordance with section 8111(e)(2) of title 38, United States Code, as amended by section 723.

**SEC. 727. JOINT PILOT PROGRAM FOR PROVIDING GRADUATE MEDICAL EDUCATION AND TRAINING FOR PHYSICIANS.**

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a pilot program under which graduate medical education and training is provided to military physicians and physician employees of the Department of Defense and the Department of Veterans Affairs through one or more programs carried out in military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs. The pilot program shall begin not later than January 1, 2003.

(b) **COST-SHARING AGREEMENT.**—The Secretaries shall enter into an agreement for carrying out the pilot program. The agreement shall establish means for each Secretary to assist in paying the costs, with respect to individuals under the jurisdiction of that Secretary, incurred by the other Secretary in providing medical education and training under the pilot program.

(c) **USE OF EXISTING AUTHORITIES.**—To carry out the pilot program, the Secretary of Defense and the Secretary of Veterans Affairs may use authorities provided to them under this Act, section 8111 of title 38, United States Code, and other laws relating to the furnishing or support of medical education and the cooperative use of facilities.

(d) **TERMINATION OF PROGRAM.**—The pilot program under this section shall terminate on July 31, 2008.

(e) **REPEAL OF SUPERSEDED PROVISION.**—Section 738 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 1094 note; 115 Stat.1173) is repealed.

**SEC. 728. REPEAL OF CERTAIN LIMITS ON DEPARTMENT OF VETERANS AFFAIRS RESOURCES.**

(a) **REPEAL OF VA BED LIMITS.**—Section 8110(a)(1) of title 38, United States Code, is amended—

(1) in the first sentence, by striking “at not more than 125,000 and not less than 100,000”;

(2) in the third sentence, by striking “shall operate and maintain a total of not less than 90,000 hospital beds and nursing home beds and”; and

(3) in the fourth sentence, by striking “to enable the Department to operate and maintain a total of not less than 90,000 hospital and nursing home beds in accordance with this paragraph and”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2003.

**SEC. 729. REPORTS.**

(a) **INTERIM REPORT.**—Not later than February 1, 2004, the Secretary of Defense and Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs and the Committees on Armed Services of the Senate and House of Representatives a joint report on their conduct of each of the programs under this Act through the end of the preceding fiscal year. The Secretaries shall include in the report a description of the measures taken, or planned to be taken, to implement the health resources sharing project under section 724 and the other provisions of this Act and any cost savings anticipated, or cost sharing achieved, at facilities participating in the project. The report shall also include information on improvements in access to care, quality, and timeliness, as well as impediments encountered and legislative recommendations to ameliorate such impediments.

(b) **ANNUAL REPORT ON USE OF WAIVER AUTHORITY.**—Not later than one year after the date of the enactment of this Act, and annually thereafter through completion of the project under section 724, the two Secretaries shall submit to the committees of Congress specified in subsection (a) a joint report on the use of the waiver authority provided by section 724(e)(1). The report shall include a statement of the numbers and types of requests for waivers under that section of administrative policies that have been made during the period covered by the report and, for each such request, an explanation of the content of each request, the intended purpose or result of the requested waiver, and the disposition of each request. The report also shall include descriptions of any new administrative policies that enhance the success of the project.

(c) **PHARMACY BENEFITS REPORT.**—Not later than one year after pharmaceutical services are first provided pursuant to section 724(d)(1), the two Secretaries shall submit to the committees of Congress specified in subsection (a) a joint report on access by beneficiaries of each department to pharmaceutical services of the other department. The report shall describe the advantages and disadvantages to the beneficiaries and the Departments of providing such access and any other matters related to such pharma-

ceutical services that the Secretaries consider pertinent, together with any legislative recommendations for expanding or canceling such services.

(d) ANNUAL REPORT ON PILOT PROGRAM FOR GRADUATE MEDICAL EDUCATION.—Not later than January 31, 2004, and January 31 of each year thereafter through 2009, the two Secretaries shall submit to Congress a joint report on the pilot program under section 727. The report for any year shall cover activities under the program during the preceding year and shall include each Secretary's assessment of the efficacy of providing education and training under that program.

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22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SNYDER OF ARKANSAS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title IX (page 179, after line 21), insert the following new section:

**SEC. 9 . AUTHORITY TO ACCEPT GIFTS FOR NATIONAL DEFENSE UNIVERSITY.**

(a) IN GENERAL.—Section 2605 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(1)” after “administration of”; and

(B) by inserting before the period at the end of the first sentence “, or (2) the National Defense University”;

(2) in subsection (b)—

(A) by inserting “(1)” after “(b)”;

(B) by striking “subsection (a)” and inserting “subsection (a)(1)”;

(C) by designating the last sentence as paragraph (3) and in that sentence by inserting “or for the benefit or use of the National Defense University, as the case may be,” after “schools,”; and

(D) by inserting before paragraph (3), as designated by subparagraph (C), the following:

“(2) There is established in the Treasury a fund to be known as the ‘National Defense University Gift Fund’. Gifts of money, and the proceeds of the sale of property, received under subsection (a)(2) shall be deposited in the Fund.”;

(3) in subsection (d)(1)(A), by inserting “and the National Defense University Gift Fund” before the semicolon; and

(4) by adding at the end the following new subsection:

“(h) In this section, the term ‘National Defense University’ includes any school or other component of the National Defense University.”.

(b) CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

**“§ 2605. Acceptance of gifts for defense dependents’ schools and National Defense University”.**

(2) The item relating to such section in the table of sections at the beginning of chapter 151 of such title is amended to read as follows:

“2605. Acceptance of gifts for defense dependents’ schools and National Defense University.”.

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPRATT OF SOUTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI (page 222, after line 3), insert the following new section:

**SEC. \_\_\_\_ . CERTIFICATION FOR DEPARTMENT OF DEFENSE PROFESSIONAL ACCOUNTING POSITIONS.**

(a) IN GENERAL.—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1599d. Professional accounting positions: authority to prescribe certification and credential standards**

“(a) AUTHORITY TO PRESCRIBE PROFESSIONAL CERTIFICATION STANDARDS.—The Secretary of Defense may prescribe professional certification and credential standards for professional accounting positions within the Department of Defense. Any such standard shall be prescribed as a Department of Defense regulation.

“(b) WAIVER AUTHORITY.—The Secretary may waive any standard prescribed under subsection (a) whenever the Secretary determines such a waiver to be appropriate.

“(c) APPLICABILITY.—A standard prescribed under subsection (a) shall not apply to any person employed by the Department of Defense before the standard is prescribed.

“(d) REPORT.—The Secretary of Defense shall submit to Congress a report on the Secretary’s plans to provide training to appropriate Department of Defense personnel to meet any new professional and credential standards prescribed under subsection (a). Such report shall be prepared in conjunction with the Director of the Office of Personnel Management. Such a report shall be submitted not later than one year after the effective date of any regulations, or any revision to regulations, prescribed pursuant to subsection (a).

“(e) DEFINITION.—In this section, the term ‘professional accounting position’ means a position or group of positions in the GS–510, GS–511, and GS–505 series that involves professional accounting work.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1599d. Professional accounting positions: authority to establish certification and credential standards.”.

(b) EFFECTIVE DATE.—Standards established pursuant to section 1599d of title 10, United States Code, as added by subsection (a), may take effect no sooner than 120 days after the date of the enactment of this Act.

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24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STUMP OF ARIZONA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title I (page 23, after line 5), insert the following new section:

**SEC. \_\_\_\_ . REALLOCATION OF CERTAIN FUNDS FOR AIR FORCE RESERVE COMMAND F-16 AIRCRAFT PROCUREMENT.**

Of the funds authorized to be appropriated by section 103(1) that are available for procurement of F-16 aircraft for the Air Force Reserve Command, \$14,400,000 shall be available for 36 Litening II modernization upgrade kits for the F-16 block 25 and block 30 aircraft (rather than for Litening AT pods for such aircraft).

Page 65, line 11, strike “\$30,00,000” and insert “\$35,000,000”.

In section 2811, page 295, after line 11, insert the following new subsection (and redesignate subsequent subsections accordingly):

“(e) ACQUISITION OF WATER RIGHTS.—The authority of the Secretary of a military department to enter into an agreement under subsection (a) for the acquisition of real property (or an interest therein) includes the authority to support the purchase of water rights from any available source when necessary to support or protect the mission of a military installation.

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**22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIAHRT OF KANSAS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle B of title X (page 209, after line 25), insert the following new section:

**SEC. \_\_\_\_ . LIMITATION ON DURATION OF FUTURE DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.**

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting after section 480 the following new section:

**“§ 480a. Recurring reporting requirements: five-year limitation**

“(a) FIVE-YEAR SUNSET.—Any recurring congressional defense reporting requirement that is established by a provision of law enacted on or after the date of the enactment of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (including a provision of law enacted as part of that Act) shall cease to be effective, with respect to that requirement, at the end of the five-year period beginning on the date on which such provision is enacted, except as otherwise provided by law.

“(b) RULE OF CONSTRUCTION.—A provision of law enacted after the date of the enactment of this section may not be considered to supersede the provisions of subsection (a) unless that provision specifically refers to subsection (a) and specifically states that it supersedes subsection (a).

“(c) RECURRING CONGRESSIONAL DEFENSE REPORTING REQUIREMENTS.—In this section, the term ‘recurring defense congressional reporting requirement’ means a requirement by law for the submission of an annual, semiannual, or other regular periodic report to Congress, or one or more committees of Congress, that applies only to the Department of Defense or to one or more officers of the Department of Defense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 480 the following new item:  
“480a. Recurring reporting requirements: five-year limitation.”

